

Legal Issues Related to Sexting, dating Violence and Related Teen Relationship Red Flags

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Sexting



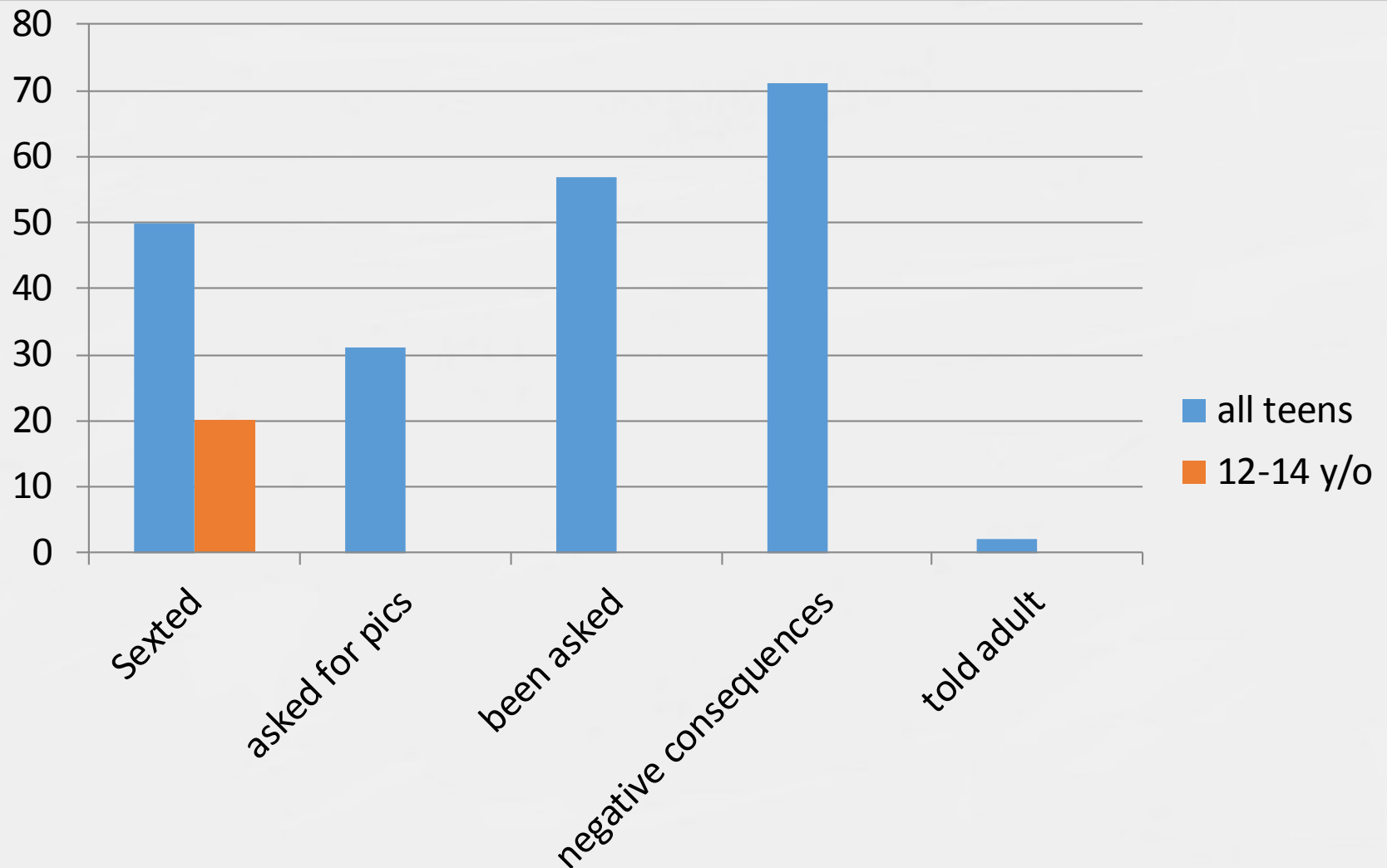
Sexting

Sexting, v: (a combination of sex and texting) is the act of sending sexually explicit messages or photos electronically, primarily between cell phones.



How Common is Sexting?

June 2014 survey by Drexel University



State v. Larry (Maine 2016)

- Girlfriend sent video
- He played it for friends in the lunchroom
- Convicted of possession of child pornography
- 10 days in jail
- 10 years on sex offender registry
- (girl also charged)



Cañon City, CO

- Hundreds of students traded nude pictures
- 400+ photographs of “over 100 kids”
- Used “vault” apps to accrue pictures and points
- “the pimp of pictures” had the most points
- Football players at center of scandal—cancelled last game of the year
- Prosecutors settled for diversion

Pending Cases

■ Michigan

- 14-15 y.o. boys using classmates' photos to blackmail other classmates
- All under 16, may be charged as adults

■ Ohio

- 16-17 y.o. students charged with 3rd degree felonies
- May "settle" for 5th degree felonies
- Probation includes restitution and "rehabilitative detention"

Pending Cases

■ **New Jersey**

- Police seized 30 cell phones, students selling images and videos
- 20 7-12th grade students charged with sexting and “invasion of privacy”
- NJ law says 2 years in juvenile detention for minors, minimum
- Case could be similar in Nebraska

Pending Cases

■ **Pennsylvania**

- “I just saw you naked”
- Investigation revealed Dropbox digital storage account with 300+ photos
- Dozens of HS students
- Students would blackmail girls by putting up fake pictures
- PA Law: girls who took/sent pictures and boys who put them up could face Class III Felonies

Nebraska Law

- NEB. REV. STAT. 28-813 *et seq.*
- Makes sexting (images) a class IV felony for offenders **under 19**
- Class IIIA felony for **19 and up**
- Both punishable by:
 - Up to 5 years in prison and/or
 - \$10,000 fine
 - Require sex offender registration

Nebraska Law

■ Affirmative Defense:

- the picture is only of the defendant; or
- defendant was younger than 19
- picture is of someone at least 15
- picture was taken voluntarily
- picture was given voluntarily
- picture contains only one child
- defendant hasn't shared the picture AND
- defendant didn't coerce taking or sending

State v. Katrina R., 799 N.W.2d 673 (Neb. 2011)

- 15 year old texted nude pics to her boyfriend
- School reported to CPS as child abuse rather than to law enforcement as criminal sexting
- Was adjudicated “a child who deports herself so as to injure or endanger seriously the morals or health of herself or others”
 - Placed in legal custody of HHS
 - 6 months’ probation
 - Required counseling and community service.

In re M.H. (Cal. 2016)

- Student filmed peer in bathroom, posted to Snapchat
- Charged with “unauthorized invasion of privacy”
 - Adjudicated as delinquent
 - Probation, restrictions on social media
 - Court imposed reporting every 60 days with custody threatened
- Appealed

In re M.H. (Cal. 2016)

■ Court:

- A student in a high school bathroom stall reasonably expects he will not be videoed and have that video disseminated on social media. [The victim] did not forfeit that right merely because his socks and shoes could be seen and his voice could be heard by others in the bathroom. [The victim] may have run the risk that people in the bathroom would tell others what they witnessed there. But that is a far cry from expecting his conduct would be electronically recorded and broadcasted to the student body."

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Gering teen enters admit plea for felony intrusion charges



The Scotts Bluff County courthouse in Gering

By Cearron Bagenda | Posted: Fri 10:03 AM, Jul 29, 2016



GERING, Neb. A Gering teenager facing 20 misdemeanor and 20 felony charges for allegedly photographing girls in a Gering High School locker room appeared in court this week.

According to court records on Tuesday, the teen entered an admit plea, similar to guilty, to one count of misdemeanor unlawful intrusion, and three counts of felony unlawful intrusion by photograph. The state dropped the remaining 19 misdemeanors and 17

Revenge Porn

- 13 states specifically outlaw
- 28 other states had legislation introduced in 2015
- Eg.s
 - Calif: poster must have intended to cause emotional distress
 - AZ: bans “all posts portraying anyone in a state of nudity or engaged in specific sexual activities” unless the person pictured has given their explicit permission

Taylor v. Francko

(Hawaii 2016)

- William Francko proposed to Leona Taylor
- She refused
- He posted nude photos of her online, along with her contact information
- Sued for public disclosure of private facts, defamation of character, and infliction of emotional distress.
- Court entered judgment against Francko and awarded Taylor \$425,000 in damages

Sextortion

- 2016 study of 80 cases
 - 3,000 victims
 - Teens and preteens targeted due to lax security
 - Brutal sexual exploitation

Sextortion: it's happening!

Seward man gets prison time for trying to meet teen for sex

By the Lincoln Journal Star May 17, 2016 (0)



A 53-year-old Seward man who got arrested after going to Lincoln to have sexual contact with a 15-year-old boy went to prison Tuesday.

David L. Armstrong pleaded guilty to enticing by electronic device and told the judge at sentencing that he was sorry. If he could go back, he said, he wouldn't do it.

In court records, Lincoln police say Armstrong began exchanging messages and texts on Nov. 17 with someone he thought was a 15-year-old boy. The exchanges turned sexual.



Latest news

Amherst man arrested, accused of wanting to meet girl for sex

By the Lincoln Journal Star Nov 21, 2015 (0)

UNL Sextortion Case

- 3 different males stripped during video chats with female attending UNL
- Contacted boys after chats saying she had recordings
- Told boys she would post them on Facebook and Instagram unless they sent money to an account in the Philippines:
 - Male 1: \$1,500 sent
 - Male 2: \$1,018 sent
 - Male 3: \$500 sent

Wisconsin v. Stanc

DA Case No.: 2008WK010779
(Waukesha County, WI 2010)

- High school student posed as a girl, tricked male classmates into sending nude photos
- Then blackmailed boys into sex acts
 - Thirty-one victims
 - Then took photos of the physical encounters
 - Some of the victims were hospitalized for suicidal thoughts or required medication or therapy
- Sentenced to 15 years

Wisconsin v. Stancl

DA Case No.: 2008WK010779
(Waukesha County, WI 2010)

- Wired magazine posted the criminal complaint against Stancl on its Web site
 - kids downloaded the document, which identified the victims by their initials and dates of birth.
 - Then the kids went to Facebook and searched the high school's network by plugging in birth dates.
 - Within minutes they had a full list of the names of the alleged victims

United States v. Chansler,

No. 3:10-cr-100-J-34TEM (MD Fla. 2014)

- 31 year-old targeted minors in sextortion scheme
 - Posed as friend, acquaintance, or admirer of the victims on various social networking websites.
 - After gaining trust, would invite her to engage in a live video chat and ask her to expose herself.
 - Unbeknownst to the child, he was recording the video session
 - Would then demand more graphic images and videos or he would threaten to distribute the videos online or send them to family and friends.

United States v. Chansler,

No. 3:10-cr-100-J-34TEM (MD Fla. 2014)

- Targeted 350 minor victims in 26 states, three Canadian provinces and the United Kingdom
- Only 109 victims have been positively identified
- Chansler sentenced to 105 years in federal prison

Messaging Apps



Kik Messenger



myra GOODRUM
myra_goodrum



Mute



Start a Group with myra



Delete Chat

 Back

leila MCCLOUD



 Set Profile Picture

Tue @ 10:40 PM



Hello :-)??

Today @ 7:22 AM



Hello

Personal Hotspot: 1 Connection

 Back

leila MCCLOUD



Set Profile Picture

Tue @ 10:40 PM



Hello :-)??

Today @ 7:22 AM



Hello



can u talk dirty to me?

Today @ 7:51 AM



helloo????

State v. Gallegos

- 16-year-old girl met 17-year-old guy on Kik
- Talked, became friends
- Asked her for pictures
- She said OK
- Then said he'd share those photos with her classmates unless she met him



Dad: 12 year-old violated after receiving nude photos on Snapchat



By Meredith Barack | Updated: Thu 2:01 PM, Aug 04, 2016



MADISON, Wis. (WMTV) -- A Wisconsin family is sharing their story after a troubling incident involving Snapchat. Now, they want to warn other parents after their 12 year-old daughter received nude photos from a complete stranger.

Snapchat is known for its fun filters, and quick photo and video sharing features. Once you open something in the app, it disappears in 1 to 10 seconds.

Last week, a 12 year-old Madison, Wisconsin girl received disturbing photos, leaving her upset and embarrassed, and her parents feeling helpless.



Questions?

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